

# TOWNSHIP OF WILBER CEMETERY ORDINANCE

## STATE OF MICHIGAN COUNTY OF IOSCO TOWNSHIP OF WILBER

**Ordinance Number: 07-01**

Adopted: January 2, 2007

Effective: February 1, 2007

### **CEMETERY ORDINANCE**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of the cemetery owned by the Township of Wilber, Iosco County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

### **THE TOWNSHIP OF WILBER, COUNTY OF IOSCO, MICHIGAN ORDAINS:**

#### **Section 1: Title**

This ordinance shall be known and cited as the Wilber Township Cemetery Ordinance.

#### **Section 2: Definitions of cemetery plots, lots and burial spaces—applies to all cemetery lots or burial spaces acquired after the adoption of this ordinance**

A cemetery plot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces, depending on the section of the cemetery in which the plot is located.

A single burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

Burial means the disposition of human remains, traditionally below ground.

Grave means a space of land in the cemetery used or intended to be used for the burial of human remains.

Lot means a grave, crypt, niche or lot.

Owner means the person or persons:

- (1) to whom the township has conveyed a burial right or burial rights; or
- (2) who have acquired such burial right or burial rights by transfer in accordance with these rules and regulations; or
- (3) who hold such burial right or burial rights by inheritance.

### **Section 3: Acquisition of lots or burial spaces**

All transactions shall be made on a form approved by the township board, which grants a right of burial only and does not convey any other title to said lot or burial space. Such form shall be executed by the township clerk.

Burial rights may only be transferred to those persons designated as heirs of the transferer, or co-owners of said burial spaces, and may be effected only by endorsement of an assignment of the original deed form issued by the township clerk, approved by said clerk, and entered upon the official records of said clerk. Upon such valid assignment, approval and recording, said clerk shall issue a new deed to the assignee and shall cancel and terminate upon such records, the original deed thus assigned. Cemetery lots and burial spaces that remain unused for a period of eighty (80) years *may* revert to the township if certain conditions apply, as stated in Section 5 of this ordinance.

### **Section 4: Purchase price and transfer fees for burial rights**

Burial rights for each burial space shall cost the sum of one-hundred dollars (\$100.00) for residents/taxpayers of Wilber Township, or three-hundred dollars (\$300.00) for non-residents, or an amount as subsequently set hereafter, by township board resolution, based upon motion made, duly seconded, and passed by a majority of said township board.

Any transfer of one or more burial spaces from an original purchaser of to a qualified assignee shall cost fifty dollars (\$50.00), or an amount as subsequently set hereafter, by township board resolution, based upon motion made, duly seconded, and passed by a majority of said township board. The foregoing charges shall be pre-paid to the township treasurer and shall be deposited in the cemetery fund.

The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition. The annual budgeting process may be used for such reviews and resolutions. This review shall be in accordance with the amounts of monies and how they are to be established, as set forth above, for the respective burial spaces and/or their assignment.

### **Section 5: Forfeiture of vacant cemetery lots or burial spaces**

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant for eighty (80) years from the date of their sale/assignment shall automatically revert to the township upon occurrence of the following events:

Notice shall be sent by the township clerk by first class mail to the last known address of the last owner or assignee of record informing her or him of the expiration of the eighty (80) year period and that all rights with respect to said lots or spaces will be forfeited, if she or he does not affirmatively indicate in writing, to the township clerk, within sixty (60) days from the date of mailing of the within notice, her/his desire to retain said burial rights.

In the event no written response to the above stated notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the township clerk from the last owner of record of said lots or spaces, or her or his heirs or legal representative, within sixty (60) days from the date of mailing of this notice, said cemetery lots or burial spaces shall automatically revert to the township.

#### **Section 6: Repurchase of lots or burial spaces**

The township will repurchase any cemetery lots or burial space from the owner for the original price paid to the township upon written request of said owner or her or his legal heirs or representatives, less transfer fees as described in Section 4.

#### **Section 7: Grave opening charges**

The opening and closing of burial spaces in the Wilber Township Cemetery is the responsibility of the respective funeral directors or their agents.

However, no burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

However, the cemetery sexton shall be present at such proceedings. After each grave opening, it shall be the responsibility of the aforementioned agent to restore any sod disrupted during the process and to repair any damage that might have occurred to adjoining burial sites.

## **Section 8: Markers or memorials**

The location of all markers or memorials must be arranged through the cemetery sexton. All monuments must be situated upon a township approved foundation as determined by the cemetery sexton. A permit to install a marker and/or memorial foundation, or any type of 'perimeter curbing', must be obtained from the township clerk prior to their installation. The aforementioned foundations and perimeter curbing must be installed by a vendor who has been approved by the township.

Only one monument, marker or memorial, shall be permitted per burial space, and/or unless there is a family marker to be placed thereon, a burial space contains the cremains of two individuals, or one adult and one infant, or two children buried at the same time. An exception to this regulation also applies to an additional Veterans Association marker such as might be appropriate.

## **Section 9: Interment regulations**

Only one person may be buried in a burial space except for an adult and infant or two children buried at the same time. Cremated remains of two people may be buried in a single burial space.

Adequate notice shall be given in advance to the cemetery sexton of the time of any funeral or memorial service to allow for the opening of the burial spaces.

The appropriate identification for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the cemetery sexton prior to interment, who shall forward same to township clerk. Where such information has been lost or destroyed, the township clerk shall be satisfied, from township records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

No cemetery plot or burial space shall be used for any other purpose than the burial of the human dead.

Due to uncertain weather conditions in northern Michigan which do not always permit immediate interment, burials are generally only permitted from April 1 to December 1. Area funeral directors

can arrange for the temporary storage of remains until such time as conditions permit. The township must secure written authorization for delayed interment from the next of kin or an authorized agent. The form must indicate the approximate date of interment and the place of storage (MCLA333.2852, MSA 14.15(2852)).

### **Section 10: Grounds maintenance**

Maintenance and upkeep of cemetery plots and burial spaces shall be the responsibility of individual owners, except for common areas, which shall be the responsibility of the township.

No shrubs or trees of any type shall be planted without the approval of the cemetery sexton. Any of the foregoing items planted without such approval may be removed by the township.

The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

The township shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers, when removed by the owners/caretakers of the burial space(s), must be placed in the refuse bin located adjacent to the cemetery pump house/maintenance building, or removed from the cemetery grounds. The township shall not be responsible for theft and/or vandalism of markers or decorations.

### **Section 11: Records**

The township clerk and the cemetery sexton shall maintain dual records concerning all cemetery lots, burial spaces and burials, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

### **Section 12: Vault**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. The temporary containers containing cremains provided by crematoriums are suitable for their interment.

**Section 13: Cemetery hours**

The cemetery shall be open to the general public from the hours of sunrise to sunset each day.

No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the cemetery sexton, township board or the township clerk.

**Section 14: Penalties**

Violations of this ordinance may alternately and/or cumulatively be enforced by way of Injunction in District and/or Circuit Court, or any other legal means available to the township at that time.

**Section 15: Severability**

The provisions contained within this ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**Section 16: Effective Date**

This ordinance shall take effect on February 1, 2007. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Moved by: Trustee Sally Krueger, Supported by: Trustee Ashley Beaver

A roll call vote was held.                      Aye                                      Nay

Ashley Beaver                                      x  
Sally Krueger                                        x

